

House File 263 - Introduced

HOUSE FILE 263

BY MOORE

A BILL FOR

1 An Act relating to the operation of all-terrain vehicles
2 on highways upon registration with the department of
3 transportation, providing a registration fee, and providing
4 penalties.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.1, subsection 32, Code 2013, is
2 amended to read as follows:

3 32. *“Implement of husbandry”* means a vehicle or special
4 mobile equipment manufactured, designed, or reconstructed
5 for agricultural purposes and, except for incidental uses,
6 exclusively used in the conduct of agricultural operations.
7 *“Implements of husbandry”* includes all-terrain vehicles operated
8 in compliance with section 321.234A, subsection 1, paragraph
9 *“a”*, but not registered for operation upon a highway pursuant
10 to section 321.118, fence-line feeders, and vehicles used
11 exclusively for the application of organic or inorganic plant
12 food materials, organic agricultural limestone, or agricultural
13 chemicals. To be considered an implement of husbandry, a
14 self-propelled implement of husbandry must be operated at
15 speeds of thirty-five miles per hour or less.

16 a. *“Reconstructed”* as used in this subsection means
17 materially altered from the original construction by the
18 removal, addition, or substitution of essential parts, new or
19 used.

20 b. A vehicle covered under this subsection, if it otherwise
21 qualifies, may be operated as special mobile equipment
22 and under such circumstances this subsection shall not be
23 applicable to such vehicle, and such vehicle shall not be
24 required to comply with sections 321.384 through 321.423, when
25 such vehicle is moved during daylight hours; however, the
26 provisions of section 321.383 shall remain applicable to such
27 vehicle.

28 Sec. 2. Section 321.1, subsection 47A, Code 2013, is amended
29 by striking the subsection and inserting in lieu thereof the
30 following:

31 47A. *“Off-road utility vehicle”* means as defined in section
32 321I.1, subsection 17, paragraph *“a”*.

33 Sec. 3. Section 321.20, subsection 1, paragraph e, Code
34 2013, is amended to read as follows:

35 e. The amount of the fee for new registration to be paid

1 under section 321.105A if applicable, the amount of tax to be
2 paid under section 423.26, subsection 1, or the amount of tax
3 to be paid under section 423.26A.

4 Sec. 4. Section 321.105A, subsection 2, paragraph c, Code
5 2013, is amended by adding the following new subparagraph:

6 NEW SUBPARAGRAPH. (31) An all-terrain vehicle, if the owner
7 paid the sales tax required under section 423.2 at the time the
8 vehicle was purchased.

9 Sec. 5. Section 321.109, subsection 1, paragraph a, Code
10 2013, is amended to read as follows:

11 a. The annual fee for all motor vehicles including vehicles
12 designated by manufacturers as station wagons, 1993 and
13 subsequent model year multipurpose vehicles, and 2010 and
14 subsequent model year motor trucks with an unladen weight of
15 ten thousand pounds or less, except motor trucks registered
16 under section 321.122, business-trade trucks, special trucks,
17 motor homes, ambulances, hearses, all-terrain vehicles,
18 motorcycles, motorized bicycles, and 1992 and older model year
19 multipurpose vehicles, shall be equal to one percent of the
20 value as fixed by the department plus forty cents for each one
21 hundred pounds or fraction thereof of weight of vehicle, as
22 fixed by the department. The weight of a motor vehicle, fixed
23 by the department for registration purposes, shall include
24 the weight of a battery, heater, bumpers, spare tire, and
25 wheel. Provided, however, that for any new vehicle purchased
26 in this state by a nonresident for removal to the nonresident's
27 state of residence the purchaser may make application to the
28 county treasurer in the county of purchase for a transit plate
29 for which a fee of ten dollars shall be paid. And provided,
30 however, that for any used vehicle held by a registered dealer
31 and not currently registered in this state, or for any vehicle
32 held by an individual and currently registered in this state,
33 when purchased in this state by a nonresident for removal to
34 the nonresident's state of residence, the purchaser may make
35 application to the county treasurer in the county of purchase

1 for a transit plate for which a fee of three dollars shall
2 be paid. The county treasurer shall issue a nontransferable
3 certificate of registration for which no refund shall be
4 allowed; and the transit plates shall be void thirty days
5 after issuance. Such purchaser may apply for a certificate
6 of title by surrendering the manufacturer's or importer's
7 certificate or certificate of title, duly assigned as provided
8 in this chapter. In this event, the treasurer in the county
9 of purchase shall, when satisfied with the genuineness and
10 regularity of the application, and upon payment of a fee of
11 twenty dollars, issue a certificate of title in the name and
12 address of the nonresident purchaser delivering the title
13 to the owner. If there is a security interest noted on the
14 title, the county treasurer shall mail to the secured party an
15 acknowledgment of the notation of the security interest. The
16 county treasurer shall not release a security interest that
17 has been noted on a title issued to a nonresident purchaser
18 as provided in this paragraph. The application requirements
19 of section 321.20 apply to a title issued as provided in this
20 subsection, except that a natural person who applies for a
21 certificate of title shall provide either the person's social
22 security number, passport number, or driver's license number,
23 whether the license was issued by this state, another state, or
24 another country. The provisions of this subsection relating to
25 multipurpose vehicles are effective for all 1993 and subsequent
26 model years. The annual registration fee for multipurpose
27 vehicles that are 1992 model years and older shall be in
28 accordance with section 321.124.

29 **Sec. 6. NEW SECTION. 321.118 All-terrain vehicles.**

30 An all-terrain vehicle may be titled and registered under
31 this chapter for operation on secondary roads and on city
32 streets where authorized, as provided in this chapter, for an
33 annual fee of fifty dollars. Registration under this section
34 is in addition to the requirements of chapter 321I. The
35 department shall adopt rules for the titling and registration

1 of all-terrain vehicles pursuant to this section.

2 Sec. 7. Section 321.166, subsection 1, paragraph a, Code
3 2013, is amended to read as follows:

4 a. Registration plates shall be of metal and of a size not
5 to exceed six inches by twelve inches, except that the size
6 of plates issued for use on all-terrain vehicles, motorized
7 bicycles, motorcycles, motorcycle trailers, and trailers
8 with an empty weight of two thousand pounds or less shall be
9 established by the department.

10 Sec. 8. Section 321.166, subsection 4, Code 2013, is amended
11 to read as follows:

12 4. The registration plate number, except on all-terrain
13 vehicles, motorized bicycles, motorcycles, motorcycle trailers,
14 and trailers with an empty weight of two thousand pounds
15 or less, shall be of sufficient size to be readable from a
16 distance of one hundred feet during daylight.

17 Sec. 9. Section 321.234A, Code 2013, is amended by adding
18 the following new subsection:

19 NEW SUBSECTION. 5. The provisions of this section do
20 not apply to an all-terrain vehicle operated on a highway in
21 accordance with section 321.234B.

22 Sec. 10. NEW SECTION. **321.234B Registered all-terrain**
23 **vehicles — operation on highways.**

24 An all-terrain vehicle which is registered under this
25 chapter may be operated on a highway subject to all of the
26 following:

27 1. *Persons who may operate.* A person shall not operate an
28 all-terrain vehicle on a highway unless the person is sixteen
29 years of age or older and has a valid driver's license other
30 than a license valid only for operation of a motorized bicycle.

31 2. *Operation on certain highways only.* All-terrain vehicles
32 registered under section 321.118 may be operated on secondary
33 roads, but shall not be operated on primary highways or on
34 highways within the corporate limits of a city except as
35 follows:

1 *a.* A person shall not operate an all-terrain vehicle
2 registered under section 321.118 on a primary highway except
3 to cross a primary highway; however, the provisions of section
4 321I.10 govern the crossing of a primary highway when the
5 all-terrain vehicle is being operated on an all-terrain vehicle
6 trail.

7 *b.* A person shall not operate an all-terrain vehicle on
8 a highway within the corporate limits of a city except on
9 a nonprimary highway where such operation is authorized by
10 ordinance pursuant to section 321.236, subsection 14A.

11 3. *Motor vehicle laws applicable.* The motor vehicle
12 laws, including but not limited to the provisions of sections
13 321.20B, 321.285, 321.317, 321.385, and 321.387, apply to the
14 operation of all-terrain vehicles registered for operation on
15 highways, except for those provisions relating to required
16 equipment which by their nature can have no practical
17 application.

18 4. *Penalties.* A person convicted of a violation of
19 subsection 1 or 2 is guilty of a simple misdemeanor punishable
20 as a scheduled violation under section 805.8A, subsection 1.

21 Sec. 11. Section 321.236, Code 2013, is amended by adding
22 the following new subsection:

23 NEW SUBSECTION. 14A. Authorizing the operation of
24 all-terrain vehicles registered under section 321.118 on
25 highways under the jurisdiction of a city, other than municipal
26 extensions of primary highways.

27 Sec. 12. Section 321.285, Code 2013, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 6A. Notwithstanding any other speed
30 restrictions allowing for speed in excess of forty-five miles
31 per hour, a person shall not operate an all-terrain vehicle on
32 a highway at a speed in excess of forty-five miles per hour.

33 Sec. 13. Section 321I.1, subsection 17, paragraph b, Code
34 2013, is amended to read as follows:

35 *b.* The operator of an off-road utility vehicle is subject

1 to provisions governing the operation of all-terrain vehicles
2 in section 321.234A, this chapter, and administrative rules,
3 but is exempt from the education instruction and certification
4 program requirements of sections 321I.25 and 321I.26. An
5 operator of an off-road utility vehicle shall not operate the
6 vehicle on a designated riding area or designated riding trail
7 unless the department has posted signage indicating the riding
8 area or trail is open to the operation of off-road utility
9 vehicles. Off-road utility vehicles are subject to the dealer
10 registration and titling requirements of this chapter. A
11 motorized vehicle that was previously titled or is currently
12 titled under chapter 321, except section 321.118, shall not be
13 registered or operated as an off-road utility vehicle under
14 this chapter.

15 Sec. 14. Section 321I.9, unnumbered paragraph 1, Code 2013,
16 is amended to read as follows:

17 Registration under this chapter shall not be required for
18 the following described all-terrain vehicles:

19 Sec. 15. Section 321I.10, subsections 1 through 3, Code
20 2013, are amended to read as follows:

21 1. A person shall not operate an all-terrain vehicle or
22 off-road utility vehicle upon roadways or highways except as
23 provided in ~~section~~ sections 321.234A and 321.234B and this
24 section.

25 2. ~~A registered~~ An all-terrain vehicle or off-road utility
26 vehicle registered under this chapter may be operated on
27 the roadways of that portion of county highways designated
28 by the county board of supervisors for such use during a
29 specified period. The county board of supervisors shall
30 evaluate the traffic conditions on all county highways and
31 designate roadways on which all-terrain vehicles or off-road
32 utility vehicles may be operated for the specified period
33 without unduly interfering with or constituting an undue
34 hazard to conventional motor vehicle traffic. In designating
35 such roadways, the board may authorize all-terrain vehicles

1 and off-road utility vehicles to stop at service stations or
2 convenience stores along a designated roadway.

3 3. Cities may designate streets under the jurisdiction of
4 cities within their respective corporate limits which may be
5 used for the operation of ~~registered~~ all-terrain vehicles or
6 ~~registered~~ off-road utility vehicles registered under this
7 chapter. In designating such streets, the city may authorize
8 all-terrain vehicles and off-road utility vehicles to stop
9 at service stations or convenience stores along a designated
10 street.

11 Sec. 16. Section 321I.31, subsection 1, Code 2013, is
12 amended to read as follows:

13 1. The owner of an all-terrain vehicle acquired on or
14 after January 1, 2000, other than an all-terrain vehicle used
15 exclusively as a farm implement, ~~or~~ a motorcycle previously
16 issued a title pursuant to chapter 321, or an all-terrain
17 vehicle issued a certificate of title under section 321.20 and
18 registered in accordance with section 321.118, shall apply to
19 the county recorder of the county in which the owner resides
20 for a certificate of title for the all-terrain vehicle. The
21 owner of an all-terrain vehicle used exclusively as a farm
22 implement may obtain a certificate of title. A person who
23 owns an all-terrain vehicle that is not required to have a
24 certificate of title may apply for and receive a certificate
25 of title for the all-terrain vehicle and, subsequently, the
26 all-terrain vehicle shall be subject to the requirements of
27 this chapter as if the all-terrain vehicle were required to be
28 titled. All all-terrain vehicles that are titled under this
29 chapter shall be registered under this chapter. An all-terrain
30 vehicle that is titled under section 321.20 and registered
31 under section 321.118, shall also be registered under this
32 chapter.

33 Sec. 17. Section 805.8A, subsection 1, Code 2013, is amended
34 by adding the following new paragraph:

35 NEW PARAGRAPH. *0a.* Section 321.234B, subsection 1

1 or 2.....\$50.

2 EXPLANATION

3 This bill provides for the registration of all-terrain
4 vehicles for operation on certain Iowa roads.

5 Code section 321.1 defines "all-terrain vehicle" as a motor
6 vehicle designed to travel on three or more wheels and designed
7 primarily for off-road recreational use. The definition
8 includes off-road utility vehicles, but excludes farm tractors
9 or equipment, construction equipment, forestry vehicles,
10 and lawn and grounds maintenance vehicles. Currently, the
11 department of natural resources regulates all-terrain vehicles
12 for purposes of off-road recreational use. All-terrain
13 vehicles are not permitted on Iowa highways, except under
14 limited circumstances.

15 Under the bill, the owner of an all-terrain vehicle may
16 register the vehicle with the department of transportation by
17 applying for a certificate of title and registration from the
18 county treasurer. The annual registration fee is \$50. The
19 size of license plates to be issued for all-terrain vehicles
20 will be determined by the department of transportation.
21 Because all-terrain vehicles are currently subject to sales
22 tax, the bill provides that all-terrain vehicles are exempt
23 from the fee for new registration imposed on vehicles subject
24 to registration, so long as the owner has paid the sales tax
25 at the time of purchase. Registration with the department
26 of transportation does not exempt the owner from the current
27 requirement to register the all-terrain vehicle with the
28 department of natural resources, but if the owner obtains a
29 certificate of title from the department of transportation, the
30 owner does not have to repeat that process when registering the
31 vehicle with the department of natural resources.

32 The bill provides that an all-terrain vehicle registered
33 with the department of transportation may be operated on
34 secondary roads, but not on primary highways, except to
35 cross over a primary highway, and not on highways within the

1 corporate limits of a city except where all-terrain vehicles
2 are permitted by ordinance. Under the bill, a city may
3 authorize the operation of all-terrain vehicles registered
4 with the department of transportation on highways under the
5 city's jurisdiction other than municipal extensions of primary
6 highways.

7 The bill states that a person who operates an all-terrain
8 vehicle on a highway must be at least 16 years of age and have
9 a valid driver's license other than a license valid only for
10 the operation of a motorized bicycle. Iowa motor vehicle laws
11 apply to the operation of all-terrain vehicles on highways
12 except those equipment provisions which by their nature can
13 have no practical application. The bill specifies that the
14 operator of an all-terrain vehicle must carry proof of motor
15 vehicle financial liability coverage, and the all-terrain
16 vehicle must meet requirements for headlamps, rear lamps,
17 and turn signals. Current speed limits apply to all-terrain
18 vehicles operated on a highway, except that an all-terrain
19 vehicle may not be operated at a speed exceeding 45 miles per
20 hour.

21 Under current law, a person who operates an all-terrain
22 vehicle on a highway in violation of current restrictions
23 commits a simple misdemeanor punishable by a scheduled fine
24 of \$50. The bill establishes the same penalty for a person
25 who operates a registered all-terrain vehicle in violation of
26 minimum age and licensing requirements or on a highway where
27 all-terrain vehicle operation is not authorized.

28 The bill makes conforming amendments to Code chapter 321I,
29 relating to the regulation of all-terrain vehicles by the
30 department of natural resources and to permissible operation on
31 city and county roads pursuant to that Code chapter.